

REMARKS

Amendments to the claims

Claims 1, 3 and 17 are amended to indicate the polyol is terminated with an acrylate or methacrylate functionality and then further reacted with a compound having a tertiary amine functionality and a primary or secondary amine functionality. Support for this amendment is found on page 9, line 34 through page 10, line 2; page 10, line 10, lines 9-23.

Claim 14 to 16 are amended to change claim dependency due to cancellation of claims.

Claims 7-13 are cancelled.

Claims Pending in the Application

Claims 1-6 and 14-17 remain pending in the present application.

ARGUMENTS

I. Objection to Claim 16

Claim 16 is objected to as being in improper form as a multiple dependent claim can not depend upon another multiple dependent claim. Claim 16 is amended above to remove the multiple dependency.

II. Rejection of Claim 13 under 35 USC §112

Claim 13 stands rejection under 35 USC §112 as being indefinite in the recitation of "the polyol" without providing a proper antecedent basis. Claim 13 is cancelled above obviating the present rejection.

III. Rejections Under 35 USC §102

Claims 1-4, 7, 14, 17 stand rejected under 35 USC §102 in view of Kuryla (US Patent 3,428,708. Kuryla is cited as disclosing amine-capped polyols by reaction of polyols with a glycidyl amine. Claim 7 is cancelled above.

As amended the claims specify the materials of the present invention are produced by polyols with an acrylate or methacrylate functionality wherein such acrylate or methacrylate functionality is then reacted with a compound having a tertiary amine and reactive primary or secondary amine. Therefore, Kuryla fails to teach each and every element of the present claims

as is required for a rejection under 102(b). Applicants respectively submit the claims as amended are novel over Kuryla and the rejection be removed.

IV. Rejection of Claims 5 and 6 Under 35 USC §103(a)

Claims 5 and 6 stand rejected under 35 USC §103 as the Office Action alleges the claims unpatentable over US 3,428,708 to Kuryla in view of US 2002/009338 to Hass et al. (Applicants believe the intended reference is to US 2002/009838).

Claims 5 and 6 are cancelled above rendering this rejection moot. Applicants reserve the right to recapture the cancelled subject matter in any later filed continuation.

V. Rejection of Claim 13 Under 35 USC §103(a)

Claim 13 stands rejected 35 USC §103a as the Office Action alleges the claim is unpatentable over US 3,428,708 to Kuryla in view of US 3,660,319 to Yeakey.

Claim 13 is cancelled above rendering this rejection moot. Applicants reserve the right to recapture the cancelled subject matter in any later filed continuation.

VI. Rejection of Claim 15 Under 35 USC §103(a)

Claim 15 stands rejected under USC §103(a) as the Office Action alleges the claim is unpatentable over US 3,428,708 to Kuryla in view of US 3,660,319 to Yeakey.

As amended the claims specify the materials of the present invention are produced by polyols with an acrylate or methacrylate functionality wherein such acrylate or methacrylate functionality is then reacted with a compound having a tertiary amine and reactive primary or secondary amine. As given in I above, Kuryla does not teach or suggest the specific polyols used in the process of the present invention. Furthermore there is no teaching in Yeakey which combined with Kuryla which would lead to the present claimed invention. Applicants respectively submit the claims as amended are patentable over Kuryla in view of Yeakey and the rejection be removed.

VII. Double Patenting Rejection

Claim 1-3 stand provisional rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable 1) over Claim 1 of co-pending Application No.

10/589,516 (in view of US 3,428,708 to Kuryla and 2) over co-pending Application No.

11/665,409 (in view of US 3,428,708 to Kuryla).

Applicants defer the filling of a Terminal Disclaimer until the notice of allowance of patentable subject matter in the present Application.

SUMMARY

In view of the above amendments and arguments, Applicants believes the pending application is in condition for allowance.

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Respectfully submitted,

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